UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

JAMES S. GORDON, JR., an individual residing in Benton County, Washington,

Plaintiff,

v.

IMPULSE MARKETING GROUP, INC., a Nevada Corporation,

Defendant.

IMPULSE MARKETING GROUP, INC.,

Third-Party Plaintiff,

v.

BONNIE GORDON, et al.,

Third-Party Defendants.

No. CV-04-5125-FVS

SCHEDULING CONFERENCE ORDER

A telephonic scheduling conference was held in the above-entitled matter on November 4, 2006. Douglas E. McKinley appeared on behalf of plaintiff. Floyd Ivey and Sean A. Moynihan appeared on behalf of defendant. Also appearing were Pro Se Third Party Defendants Emily Abbey, Robert Pritchett and James Gordon, Jr.

IT IS HEREBY ORDERED:

1. All discovery shall be completed on or before June 5, 2006.

2. All dispositive motions and motions challenging the

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admissibility of expert testimony on the basis of Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S.579, 113 S.Ct. 2786, 2796, 125 L.Ed.2d 469 (1993), shall be filed and served on or before June 12, 2006. A party failing to file a timely dispositive motion or a timely Daubert motion waives the motion.

3. All hearings on dispositive motions shall be held in accordance with Local Rules. Counsel shall contact Kellie Higginbotham at 509-353-3224 to schedule oral argument.

4. Exhibit lists shall be filed and served and exhibits made available for inspection (or copies provided) on or before July 24, 2006. Objections to exhibits shall be filed and served on or before July 24, 2006. Briefs addressing objections to exhibit lists shall be filed on or before July 24, 2006. Objections shall be heard at the pretrial conference. All exhibits shall be pre-marked: plaintiff's are to be numbered 1 through 199; defendant shall use number 200 et seq.

5. Witness lists shall be filed and served on or before July 24, 2006. The witness list shall include identification of each witness and a brief summary of each witness's testimony. Any objections to the witness lists shall be filed and served on or before July 24, 2006. Briefs addressing objections to witness lists shall be filed on or before July 24, 2006. Objections shall be heard at the pretrial conference.

6. All unresolved substantive or evidentiary issues which may foreseeably arise during trial shall be addressed by motions in limine to be served and filed not later than August 14, 2006. Such

motions will be addressed and resolved at the pretrial conference.

7. Designation of substantive, as opposed to impeachment, deposition testimony shall be by highlighting and shall be served on or before July 24, 2006. Cross-designations by highlighting in a different color shall be served on or before August 3, 2006. **Do not file any deposition testimony with the Clerk.**

Objections to any designated deposition testimony shall be **filed and served** on or before August 10, 2006, and shall be heard and resolved at the pretrial conference.

8. The parties shall file no further discovery except those portions necessary to support motions.

9. The pretrial conference will be held in Richland, Washington on September 12, 2006, at 8:30 a.m. At least 14 days before the pretrial conference, the parties shall meet and prepare a proposed pretrial order that substantially complies with Local Rule 16.1(b). The parties shall file their proposed pretrial order on or beforeSeptember 7, 2006. If there are matters that counsel cannot agree upon (e.g., the admissibility of exhibits or the admissibility of testimony), and if counsel want to argue these matters in person, they shall advise the Court at least five days before the pretrial conference. Otherwise, the Court will confer with counsel by telephone regarding the proposed pretrial order at the time scheduled for the pretrial conference.

10. Trial briefs, proposed voir dire, and proposed jury instructions shall be filed and served on or before September 18, 2006.

11. The trial shall commence at 9:00 a.m. on October 2, 2006, at Richland, Washington. Counsel shall meet with the Court in chambers at 8:30 a.m.

12. The parties have indicated that it will take a total of eight (8) days to try this case. Each side will be allowed one-half that time for all phases of litigation (i.e., everything from opening statement through closing argument). If either party seeks additional trial time, it must make that request in writing prior to June 12, 2006. **Failure to move for additional time will be deemed consent to the total time indicated above.**

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this Order and furnish copies to counsel.

DATED this 7th day of November, 2005.

s/Fred Van Sickle
FRED VAN SICKLE
UNITED STATES DISTRICT JUDGE